

of Appeals in *Trieber v. Knabe*, 12 Md. 491, to be the law of Maryland.*

But beasts of the plough, &c., not absolutely privileged may, except when they are in actual use, be distrained, if it do not appear that there is a sufficient distress without them. And the landlord may begin by selling them before he has ascertained by the sale of the other articles whether they will satisfy the rent, *Jenner v. Yolland*, 6 Price, 3. So though there be a sufficient distress besides, yet if it consist of growing crops which are not immediately productive, the landlord is not bound to seize them but may distrain things privileged *sub modo*, *Pigott v. Birtles*, 1 M. & W. 441. Lord Coke, 2 Inst. 133, says that the Statute extends to all sorts of distresses and to all manner of executions provided there be other goods. But it is held that distresses under particular Statutes which are in the nature of execu-

*“Whilst the general rule holds all chattels found upon the demised premises, *prima facie* liable for the rent, it is subject to the exceptions recognized on the grounds of public policy, for the benefit of trade, or the preservation of the peace, of certain classes of articles; and embrace all property of like character or *ejusdem generis*. Whilst there have been different adjudications as to what are the exceptions, and as to the extent of the exemption under the privilege of trade, so far as our researches have extended, all the adjudged cases concur that goods delivered to tradesmen, artificers, carriers, factors, wharfingers, auctioneers, and the like, without qualification are exempted.” So goods of a principal in the store of his commission merchant are not distrainable for rent due by the latter to his landlord. *McCreery v. Claffin*, 37 Md. 435.

Furniture deposited in a storage warehouse is privileged from distress; so also goods left with a carrier to be carried, or pledged with a pawnbroker. *Quære*, as to horse and carriage at livery. *Miles v. Furber*, L. R. 8 Q. B. 77. Fixtures are also privileged. *Turner v. Cameron*, L. R. 5 Q. B. 306; *Crossley Bros. v. Lee*, (1908) 1 K. B. 86; *Provincial Co. v. Low Moor Co.*, (1909) 2 K. B. 344.

The chattels of the crown on land occupied by a subject are privileged. *Sec’y of State v. Wynne*, (1905) 2 K. B. 845.

But a sample article (motor car) sent to a selling agent for exhibition purposes only is not privileged. *Simms Mfg. Co. v. Whitehead*, (1909) W. N. 95; *Addison v. Shepherd*, (1908) 2 K. B. 118. Cf. *Challoner v. Robinson*, (1908) 1 Ch. 49.

The privilege from distress of goods delivered to an auctioneer for sale is confined to goods on the premises of the auctioneer and does not extend to goods sold by the auctioneer on other premises. *Lyons v. Elliott*, 1 Q. B. D. 210. Cf. *Sweeting v. Turner*, L. R. 7 Q. B. 310.

And things belonging to a third person which are on leased premises for the purpose of being wrought up or manufactured by the tenant in the way of his trade are not privileged from distress unless they have been sent or delivered by such third person for that purpose. So a ship built under contract where purchaser furnished no materials and paid contract price in installments as certain specified parts of the ship were completed is not privileged from distress by landlord of the builder. *Clarke v. Millwall Dock Co.*, 17 Q. B. D. 494.